

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INTERNATIONAL REFORMED UNIVERSITY &
SEMINARY and DR. HUN SUNG PARK,

Plaintiffs,

MEMORANDUM & ORDER
13-CV-3156 (JS) (GRB)

-against-

NEWSNJOY USA and HYEON JIN JEON,

Defendants.

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APPEARANCES

For Plaintiffs: Daniel Charles Ritson, Esq.
Steven B. Harz, Esq.
Archer & Greiner, P.C.
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Hackensack, NJ 07601

For Defendants: Haejin A. Shim, Esq.
Frecker & Shim LLC
349 5th Avenue
New York, NY 10016

SEYBERT, District Judge:

On February 14, 2014, Magistrate Judge Gary R. Brown issued a Report and Recommendation ("R&R") recommending that this Court grant Defendants Newsnjoy USA and Hyeon Jin Jeon's (collectively, "Defendants") motion to vacate the certificate of default entered against Defendants and deny as moot Plaintiffs International Reformed University and Seminary and Dr. Hun Sung Park's (collectively, "Plaintiffs") motion for default judgment. (Docket Entry 21.) For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiffs commenced this action against Defendants on May 31, 2013, asserting claims for libel, defamation per se, and injurious falsehood. On July 29, 2013, Plaintiffs filed affidavits of service affirming that Defendants were served with the Amended Complaint. (Docket Entries 7-8.) Defendants did not answer or otherwise respond to the Amended Complaint and, on July 29, 2013, Plaintiffs requested a Certificate of Default. (Docket Entry 9.) On July 29, 2013, the Clerk of the Court certified Defendants' default. (Docket Entry 10.) On August 6, 2013, Plaintiffs moved for a default judgment. (Docket Entry 11.) On August 19, 2013, Defendants appeared in this action and filed a motion to vacate the Certificate of Default. (Docket Entry 16.)

Judge Brown's R&R recommends that this Court grant Defendants' motion to vacate the certificate of default and deny as moot Plaintiff's motion for default judgment. After a thorough analysis, the R&R concludes that Defendants' default was not willful, that Defendants have set forth a potentially meritorious defense, and that setting aside the default would not prejudice Plaintiffs.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C.

§ 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service of the R&R. Plaintiffs requested and the Court granted an extension of time to file objections to the R&R until March 4, 2014. (Docket Entry 22.) The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Brown's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Brown's R&R is ADOPTED in its entirety. Defendants' motion to vacate the certificate of default is GRANTED and Plaintiffs' motion for default judgment is DENIED AS MOOT.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 10, 2014
Central Islip, New York